

RESPONSE TO SUNSHINE LAW REQUEST OF 12/26/18 (HUMINSKI)

1. This office is prohibited by law from providing you the information you seek: **documents, communications, papers and materials concerning or referring to Scott Huminski** via Section 119.07 Fla. Stat. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990) Aside from casefiles, this agency does not have records relating to this specific request. However, there may be requested records that are not part of client casefiles. To the extent that they are not, there will be a special service charge imposed because the nature and/or volume of the public records require extensive use of information technology resources and/or clerical and supervisory assistance. Sec. 119.07(4)(d) Fla. Stat.
2. This office is prohibited from providing you with **incoming and outgoing emails in 2017 and 2018 for Judge Elizabeth Krier and Judge James Adams** that are part of casefiles because the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990) However, there may be requested emails that are not part of client casefiles. To the extent that they are not, there will be a special service charge imposed because the nature and/or volume of the public records require extensive use of information technology resources and/or clerical and supervisory assistance. Sec. 119.07(4)(d) Fla. Stat. Emails are not readily available. They are stored on our server, and an extensive search must be performed by a senior member of our IT staff before we would even be able to advise what, if any, emails we have to/from these two Judges in 2017 and 2018. The search process would take a minimum of 8 hours, at a rate of \$25 per hour, for a total of \$200. Any emails that are not case-related could be shared, at a cost of \$0.15 per page. There may be additional costs as we'd have to compile any eligible emails and either print or store in a way that could be provided to the requestor.
3. This office does not have records relating to **case names and docket numbers for all cases handled by Judge Krier or Judge Adams whereby a removal to federal court was**

filed, also including cases removed under bankruptcy rule 9027. Include all cases that had a filing of a notice of removal to any federal court for the last 10 years. Sec. 109.07 does not require this agency create new records in order to accommodate a request for information. See *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1<sup>st</sup> DCA 1991)

4. This office does not have records relating to **case names and docket numbers for all cases handled by Judge Adams whereby he seized jurisdiction from another judge or court in the last 10 years. Such as his illegal seizure of jurisdiction from the 20th Circuit Court (17-ca-421) and his moving of that case to his docket in County Court (17-mm-815) and cases transferred pursuant to the logic condemned in 2D17-4465.** Further, Sec. 109.07 does not require this agency create new records in order to accommodate a request for information. See *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1<sup>st</sup> DCA 1991)
5. This office is prohibited by law from providing you the information you seek: **The case names and docket numbers for all cases handled by both Judges where a motion for contempt was filed in a case in the last ten years** via Section 119.07 Fla. Stat. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990). Inasmuch as these records could be deemed public records, this agency does not keep a list of case names and docket numbers for the records you seek. Sec. 109.07 does not require this agency create new records in order to accommodate a request for information. See *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1<sup>st</sup> DCA 1991)
6. This office is prohibited by law from providing you the information you seek: **case names and docket numbers for all cases handled by both Judges where any paper was entered into docket/record containing the phrase "sui generis" was filed in a case in the last twenty years** via Section 119.07 Fla. Stat. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990). Inasmuch as these records could be deemed public records, this agency does not keep a list of case names and docket numbers for the records you seek. Sec. 109.07 does not require this agency create new records in order to

accommodate a request for information. See *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1<sup>st</sup> DCA 1991)

7. This office is prohibited by law from providing you the information you seek: **case names and docket numbers for all cases handled by both Judges where an order was issued concerning contempt. Please produce copies of said contempt orders for the last 10 years** via Section 119.07 Fla. Stat. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066(Fla. 1990). Inasmuch as these records could be deemed public records, this agency does not keep a list of case names and docket numbers for the records you seek. Sec. 109.07 does not require this agency create new records in order to accommodate a request for information. See *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1<sup>st</sup> DCA 1991)
8. This office is prohibited by law from providing you the information you seek: **All orders issued by either judge in the last 20 years that impacted the First Amendment rights (Human right of free expression) of a litigant including any type of gag or protective order. Also include any orders that restricted speech absent any narrow-tailoring whatsoever or where the order containing the speech prohibition failed to provide reasonable time, place and manner restrictions on speech sought to be silenced** via Section 119.07 Fla. Stat. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066(Fla. 1990).
9. The request: **"Any documents or papers in the possession of either judge detailing the process or procedure followed when Judge Adams engaged in what he described as an "administrative jurisdictional transfer" concerning the transfer of 17-ca-421 to county court 17-mm-815 or Judge Adam's transfers condemned in the recent 2 dace case, 17-4465. Huminski has found no law, statute, court rule or valid authority to allow a county judge to seize jurisdiction of a case pending in Circuit Court or the traffic cases central to 17-4465"** is not addressed to this agency as this agency does not know what either judge possesses.
10. This office is prohibited by law from providing you the information you seek: **All documents/materials**

**mentioning scott huminski for the last five years including all documents possessed by the State's Attorney concerning 17-ca-421 and/or 17-mm-815** via Section 119.07 Fla. Stat. This agency does not know what documents/materials may be possessed by the State's Attorney concerning the referenced case numbers. However, if this agency does have records responsive to the request they are most certainly part of case files. While Florida has a broad public records law, the Florida Supreme Court has ruled that case files of Public Defenders are not public records. See *Kight v. Dugger*, 574 So. 2d 1066 (Fla. 1990). However, there may be requested documents/materials that are not part of client casefiles. To the extent that they are not, there will be a special service charge imposed because the nature and/or volume of the public records require extensive use of information technology resources and/or clerical and supervisory assistance. Sec. 119.07(4) (d) Fla. Stat. Emails and other documents/materials are not readily available. They are stored on our server, and an extensive search must be performed by a senior member of our IT staff before we would even be able to advise what, if any, emails and other documents and materials we have mentioning Scott Huminski. The search process would take a minimum of 8 hours, at a rate of \$25 per hour, for a total of \$200. Any emails that are not case-related could be shared, at a cost of \$0.15 per page. There may be additional costs as we'd have to compile any eligible emails and either print or store in a way that could be provided to the requestor.